

## **United States Forest Service, Region 8, Land Between The Lakes National Recreation Area**

### **CHARTER**

1. Committee's Official Designation

Land Between the Lakes Advisory Board

2. Authority

The Charter for the Land Between The Lakes (LBL) Advisory Board (Board) is hereby established pursuant to Section 460 of the Land Between The Lakes Protection Act of 1998 (Act) (16 U.S.C. 460 iii et. Seq.), and the Federal Advisory Committee Act (FACA) as amended, (5 U.S.C. App. 2), excepting Section 14(a)(2) of FACA as outlined in the LBL Protection Act in Section 522(h).

3. Objectives and Scope of Activities

The Board will advise the Secretary of Agriculture (Secretary) on: 1) means of promoting public participation for the land and resource management plan for the recreation area; and 2) environmental education.

4. Description of Duties

Provide advice only, in accordance with the Act and FACA, to help broaden representation of diverse interests and increase the frequency of advice USDA receives from the public and private sectors in regard to means of promoting public participation for the land and resource management plan for LBL and environmental education. USDA retains sole responsibility for the management and operation of LBL and for all decisions regarding matters under consideration by the Board.

5. Agency or Official to Whom the Committee Reports

The Board reports to the Secretary. The Regional Forester, Southern Region, or designee, serves as chairperson of the Board (LBL Protection Act Sec 522(d)).

6. Support

(a) USDA shall provide the Board with sufficient facilities in which to conduct its meetings and to provide a repository for its minutes and other records. (b) Financial, administrative, and technical support for the Board will be provided by the Forest Service.

7. Estimated Annual Operating Costs and Staff Years

Annual operating costs are estimated to be \$34,500 with 0.7 full time equivalent staff support and direct costs. USDA shall provide such additional funding as reasonably necessary to achieve the purposes for which the Board was created and shall provide any further guidelines and management controls as may be necessary to further the objectives of the Board.

8. Designated Federal Officer

A permanent Federal employee is to be appointed in accordance with agency procedures and will serve as the Designated Federal Official (DFO). The DFO will approve the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

9. Estimated Number and Frequency of Meetings

The Board shall meet at least bi-annually. Notices of meetings shall be published in the Federal Register at least 15, but no more than 45 calendar days prior to the meeting. Two weeks' notice of each meeting shall be given in local newspapers generally covering the region surrounding LBL. Meetings will be open to the public. Interested members of the public may attend meetings and submit comments to the Board and, in accordance with Board procedures, may speak at a meeting.

10. Duration

Continuing.

11. Termination

The Committee, unless renewed, will terminate 2 years from the date of filing the charter.

12. Membership and Designation

12a. This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

Members shall be considered representatives of LBL user groups or State or local government. The Board shall consist of 17 voting members appointed as follows:

- (1) Four persons appointed by the Secretary of Agriculture, including:
  - a. Two residents of the State of Kentucky
  - b. Two residents of the State of Tennessee

- (2) Two persons appointed by the Governor of Tennessee;
- (3) Two persons appointed by the Governor of Kentucky;
- (4) Two persons appointed by the Commissioner (or designee) of the Kentucky Department of Fish and Wildlife Resources;
- (5) One person appointed by the Commissioner (or designee) of the Tennessee Wildlife Resources Agency;
- (6) Two persons appointed by the Judge Executive of Lyon County, Kentucky;
- (7) Two persons appointed by the Judge Executive of Trigg County, Kentucky; and
- (8) Two persons appointed by the County Executive of Stewart County, Tennessee

Members' terms shall be for 5 years, and members may not succeed themselves.

- (1) When a 5-year term of a member ends, a new appointment will be made by the applicable appointing agency, and the new appointee will begin a 5-year term at the time of their appointment.
- (2) Alternates are not considered members of the Board, thus the succession rule does not apply. An alternate may be appointed as a primary member.
- (3) Appointments from agencies other than USDA will be final when notification of the appointment is received by the DFO from the appointing agency. The Secretary will be notified, through the Washington Office, of all new appointments to the Board.
- (4) The Secretary, with the cooperation of the public officials appointing Board members, shall ensure the membership of the Board is balanced and represents and includes a broad range of diverse views and interests, including recreational, environmental, commercial, educational, and community leadership interests.
- (5) Equal opportunity practices, in line with USDA policies, will be followed in all USDA appointments to the Board. To ensure the recommendations of the Board have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.
- (6) In the event a member is unable to attend a meeting of the Land Between The Lakes Advisory Board, an alternate may represent them providing the alternate is pre-designated in the same manner as the respective member was appointed.
- (7) Members of the Board shall serve without comparison. Reimbursement for travel and per diem expenses for attendance at official board meetings will be carried out in accordance with USDA travel regulations.

12b. Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership will include to the extent possible, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

12c. Of these members, one will become the chairperson who is recognized for his or her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. A co-chairperson may be assigned, especially to facilitate his or her transition to become the chairperson in the future.

#### 12d. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any “specific party matters” (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the DFO (for discussion with USDA’s Office of Ethics) any specific party matter in which the member’s immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee’s recommendations. Members of the Committee shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, claims, grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee’s advice and recommendations. Members who are appointed as “Representatives” are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as “Special Government Employees” (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGE’s are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

#### 13. Subcommittees

The Forest Service has the authority to create subcommittees. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Agency.

14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

<http://www.lbl.org/LRMPAdvisoryBoard.html>

15. Filing Date

May 12, 2015